

**UNITED STATES DISTRICT COURT  
GEORGIA SOUTHERN DISTRICT COURT  
SAVANNAH**

**CASE NO.: \*\*\*\***

BRIAN RODGERS JR.,

Plaintiff,

v.

DOBA MANDAL LLC dba SAVANNAH'S  
WORLD OF BEVERAGES, INC.,

Defendant,

**COMPLAINT FOR COPYRIGHT INFRINGEMENT**

**(INJUNCTIVE RELIEF DEMANDED)**

Plaintiff BRIAN RODGERS JR. by and through his undersigned counsel, brings this Complaint against Defendant DOBA MANDAL LLC dba SAVANNAH'S WORLD OF BEVERAGES, INC. for damages and injunctive relief, and in support thereof states as follows:

**SUMMARY OF THE ACTION**

1. Plaintiff BRIAN RODGERS JR. (“Rodgers”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Rodgers' original copyrighted Work of authorship.

2. Rodgers is the founder and owner of Digital Art That Rocks. He creates visual assets for companies who understand and believe in the power of their brand’s visual identity in the marketplace. He is an American Advertising Federation award winning commercial photographer and digital artist based out of South Bend, Indiana. At Digital Art That Rocks, Rodgers specializes in creating hero shot product photography & architectural photography with an emphasis on high end retouching and post-production. Other services offered include

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commercial portraits and headshots for business professionals & entrepreneurs, as well as cinematic video production services.

3. Defendant DOBA MANDAL LLC dba SAVANNAH'S WORLD OF BEVERAGES, INC. ("DOBA") is a neighborhood business for liquor, wine and beer that is a favorite among locals. They have an excellent selection for every occasion at a great price.. At all times relevant herein, DOBA owned and operated the internet website located at the URL <http://www.worldofbeverage.com/> (the "Website").

4. Rodgers alleges that Defendant copied his copyrighted Work from the internet in order to advertise, market and promote its business activities. DOBA committed the violations alleged in connection with its business.

### **JURISDICTION AND VENUE**

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in Georgia.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, DOBA engaged in infringement in this district, DOBA resides in this district, and DOBA is subject to personal jurisdiction in this district.

### **DEFENDANT**

9. DOBA Mandal LLC dba Savannah's World of Beverages, Inc. is a Georgia Corporation, with its principal place of business at 1900 Benton Blvd, Suite 101, Savannah, Georgia 21407, and can be served by serving its Registered Agent, Arkin & Associates - Dan Mahowald at 345 Commercial Drive, Savannah, Georgia 31416.

### **THE COPYRIGHTED WORK AT ISSUE**

10. In 2013, Rodgers created the photograph entitled “Apothic Wine Bottle Group on Black,” which is shown below and referred to herein as the “Work”.



11. Rodgers registered the Work with the Register of Copyrights on July 17, 2013, and was assigned registration number VAu 1-148-051. The Certificate of Registration is attached hereto as **Exhibit 1**.

12. Rodger’s Work is protected by copyright but was not otherwise confidential, proprietary, or trade secrets. The Work in perspective, orientation, positioning, lighting, and other details is entirely original, distinctive, and unique. As such, the Work qualifies as subject matter protectable under the Copyright Act.

13. At all relevant times Rodgers was the owner of the copyrighted Work..

### **INFRINGEMENT BY DOBA**

14. DOBA has never been licensed to use the Work for any purpose.

15. On a date after the Work was created, but prior to the filing of this action, DOBA copied the Work.

16. On or about October 23, 2022, Rodgers discovered the unauthorized use of his Work on the Website

17. DOBA copied Rodger's copyrighted Work without permission or authority.

18. After DOBA copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its liquor, wine, and beer business.

19. DOBA copied and distributed Rodger's copyrighted Work in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.

20. DOBA committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

21. Rodgers never gave Defendant permission or authority to copy, distribute or display the Work at issue in this case.

22. Rodgers notified DOBA of the allegations set forth herein on February 17, 2023 and December 04, 2023. To date, the parties have failed to resolve this matter.

**COUNT I**  
**COPYRIGHT INFRINGEMENT**

23. Rodgers incorporates the allegations of paragraphs 1 through 22 of this Complaint as if fully set forth herein.

24. Rodgers owns a valid copyright in the Work at issue in this case.

25. Rodgers registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

26. DOBA copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Rodger's authorization in violation of 17 U.S.C. § 501.

27. DOBA performed the acts alleged in the course and scope of its business activities.

28. Defendant's acts were willful.

29. Rodgers has been damaged.

30. The harm caused to Rodgers has been irreparable.

WHEREFORE, the Plaintiff BRIAN RODGERS JR. prays for judgment against the Defendant DOBA MANDAL LLC dba SAVANNAH'S WORLD OF BEVERAGES, INC. that:

a. DOBA and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. DOBA be required to pay Rodgers his actual damages and Defendant's profits attributable to the infringement, or, at Rodgers' election, statutory damages, as provided in 17 U.S.C. § 504

c. Rodgers be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Rodgers be awarded pre- and post-judgment interest; and

e. Rodgers be awarded such other and further relief as the Court deems just and proper.

**JURY DEMAND**

Rodgers hereby demands a trial by jury of all issues so triable.

DATED: December 29, 2023

Respectfully submitted,

/s/ Faith Beckworth

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